

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRM-M-1404-2015 (O&M)  
Date of decision : 27.01.2015

Harbhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,  
assisted by ASI Karnail Singh.

**JITENDRA CHAUHAN, J.**

This is the second petition under Section 439 Cr.P.C. seeking regular bail in case FIR No.19 dated 25.02.2014, registered under Sections 324, 323, 34, 326 (enhanced later on) of the Indian Penal Code (for short, 'the IPC'), at Police Station Arniwala, Distt. Fazilka.

It is contended that initially, the FIR was registered under Sections 302, 148, 149 IPC. However, on inquiry, no case under Section 302 IPC was found to be made out and accordingly, the challan was presented under Sections 324, 323, 34 IPC. The petitioner was admitted to bail on 22.07.2014. Subsequently, the supplementary

challan was filed and offence under Section 326 IPC was added. The petitioner is in custody since 12.10.2014.

On the other hand, the learned State counsel, on instructions, submits that charges have been framed however, no prosecution witness has been examined so far.

Heard.

The first bail petition filed by the petitioner was dismissed as withdrawn on 03.12.2014. No prosecution witness has been examined during the interregnum, which in the opinion of the Court, is a circumstance in favour of the petitioner. It is also to be noticed that the petitioner did not misuse the concession of bail earlier allowed to him. As no prosecution witness has been examined so far, therefore, it can safely be inferred that the trial is not likely to be concluded in the near future.

Keeping in view the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

**27.01.2015**  
*atulsethi*

**(JITENDRA CHAUHAN)**  
**JUDGE**